

Order

Entered: October 19, 2004

Michigan Supreme Court
Lansing, Michigan

Maura D. Corrigan
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman
Justices

ADM File No. 2004-37

Amendment of Rule 7.217
of the Michigan Court Rules

On order of the Court, the need for immediate action having been found, the notice requirements are dispensed with and the following amendment of Rule 7.217 is adopted, effective immediately. MCR 1.201(D). The amendment will be considered at a future public hearing by the Court. The notices and agendas for public hearings are posted at www.courts.michigan.gov/supremecourt.

[Additions are indicated by underlining.]

Rule 7.217 Involuntary Dismissal of Cases

(A)-(C) [Unchanged.]

(D) Reinstatement.

- (1) Within 21 days after the date of the clerk's notice of dismissal pursuant to this rule, the appellant or plaintiff may seek relief from dismissal by showing mistake, inadvertence, or excusable neglect.
- (2) The clerk will not accept for filing a late motion for reinstatement.

Staff Comment: The amendment of MCR 7.217(D) prohibits the Court of Appeals clerk from accepting untimely motions for reinstatement of an appeal that is involuntarily dismissed for want of prosecution. The amendment makes the rule consistent with MCR 7.215(I)(4), which prohibits the acceptance of a late motion for reconsideration.

The staff comment is not an authoritative construction by the Court.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 19, 2004

Corbin R. Davis

Clerk